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In re Application of :
Kruger, et al. :
Application No. 09/849,768 :
Filed: May 4, 2001 :
Attorney Docket No. STT-0003 :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed November 16, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply to the "Notification of Non-compliance with Requirements of 37 CFR 1.92(c)" mailed January 29, 2004, which set a shortened period for reply of one (1) month from its mailing date. No response was received within the allowable period, and the application became abandoned on March 1, 2004. The instant petition was filed on September 14, 2004. Petitioner maintains that the notice of January 29, 2004, was never received. It is noted that the instant petition is titled, "Petition to Revive Unintentionally Abandoned Application" which would be filed under 37 CFR 1.137(b). The current fee for a petition under 37 CFR 1.137(b) is \$750.00 (small entity). However, a review of the petition reveals that, with exception of the title, all other facets of the petition, including the fee, are indicative of a petition filed under 37 CFR 1.137(a) for 'unavoidable' abandonment. The petition is being treated as petition filed under 37 CFR 1.137(a). If this is not what was intended, petitioner must contact the undersigned immediately.

The appeal brief filed September 14, 2004, is noted.

The file is now being directed to Technology Center 2600, GAU 3671 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

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Kenya A. McLaughlin
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Office of Petitions